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Signature: *Paul Allen* Date: 7/16/09

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application : 11/568,058 Confirmation No.: 3700
Applicants : Jabbari et al. Art Unit : 1615
Filed : May 7, 2008 Docket No. : 630666.00010
Title : Hydrogel Porogens for Fabricating Biodegradable Scaffolds
Examiner : Lyndsey Beckhardt

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANTS' RESPONSE TO THE RESTRICTION REQUIREMENT

Commissioner:

This paper is submitted in response to the Official Action dated May 19, 2009 having a response due date set for June 19, 2009.

The Office Action requires restriction to one invention under 35 U.S.C. 121 and 372.

Applicants are required to elect one of the following inventions:

Group I, claims 1-25, drawn to a composition for fabricating a porous scaffold.

Group II, claims 26-28, drawn to a method for fabricating a scaffold for tissue regeneration.

In response to the Office Action, Applicants request examination of the Group I invention claimed by Claims 1-25.

The Office Action also requires an election of species. If Group I is elected (which it was above), Applicants are required to elect one of the following species:


- a) Hydrogel particles recited in claims 1, 5-10 and 19-20.*
- b) Bioactive agent recited in claim 17.*

In further response to the Office Action, Applicants elect species (a) of Group I as set forth.

This election is made without traverse, it being understood that Applicants' rights to the filing of a Divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Applicant respectfully petitions for an appropriate extension of time. Enclosed is PTO form PTO/SB/22 and PTO form 2038 for credit card payment of the extension.

Respectfully submitted,



Daniel Pollmann
Attorney for Applicants
Registration No. 38,996
Telephone: (623) 780-9988
Facsimile: (623) 580-9720